Secld. 1923—22,202—8-2-23.

L.S.G (1923.) Department.

Mis SERIES.

G.O. No. 1260 P.H.

DATED 26-7-1923

[Despatch Abstract.]

Vaccination

Uppinangady Taluk Board - pensionary contribution-staff of vaccinators contention not admitted.

D2

C.F. 29—5,000—25-5-22.

DEPARTMENT.

13512

Received -6 JUN 1923 192 . *Registered* 192 .

DEPARTMENT ASST. SECRETARY

DIST. BOARD OFFICE MAY 29 1923 MANGALORE

Subject.

Pensionary Contribution

Soliciting orders of Government in the --- matter of payment of -------- on behalf of Vaccinators.

Enclosures.
No.
Spare copies.

Ref C. No. 131 Sup '23

Station Puttur, *Dated the* 24th May 1923.

6 no. 1447/23-DB

From (Name) M.R.Ry. H. Ganapathi Rau, Aver,al,

(Designation) President, Taluk Board,
Uppinangady

To The Secretary to the Government of Madras,

Local Self Government **Department.**

Through

The President, District Board,
South Kanara.

Sir,

I have the honour to state that the --- Accountant General, Madras had, in his letter No. Pens. Mis. B - 341 dated the 17th July 1922 demanded the --- payment of arrear pensionary contributions on behalf of the Vaccinators with effect from 7th March 1910 i.e from the date of G. O. No. 345 Mis.L.S. wherein the appointment of Vaccinators was made pensionable. On receipt of the above, I requested the President, ---

District Board, South Kanara ir my letter Ref on C. No. 287/Sup'22 dated 10-8-22 to refer the matter again to the Accountant General in view of the several strong reasons and objections stated therein. The Accountant General in his letter No. Penc. Mis. 2 - 1 - 836, dated 21-3-1923 merely refers to the letter but refrains from answering the objections and repeats the demand of the same payment.

2. The matter was placed before the meeting of the Taluk Board held on the 23rd Instant and the Board have arrived at the conclusion that the orders of ---- Government should be obtained in the matter.

3. I have therefore the honour to request that Government may be pleased to consider the questions --- raised in my letter referred to above and issue final orders in the matter.

4. Copies of this office letter Ref C. No. 287/Sup'22 dated 10-8-22 and of Taluk Board Resolution No. 25 dated 23-5-23 are herewith submitted.

I have the honour to be,

Sir,

Your most obedient servant,

Vice-President, Taluk Board,

Uppinangady

B.G.

N. Dis on C. No 1447/23
D. B.

Endorsement by M.R.Ry Rao Bahadur N. Subba Rao Avargal, President, District Board, South Kanara.

Forwarded.

President, District Board

South Kanara.

Mangalore, 1st June 1923.

Extract from the Proceedings of the meeting of the Taluk Board of Uppinangady , held at Puttur, dated 23rd May 1923.

Present

M. R. Ry. H. Ganapathi Rau, Avergal,
President.

" M. Anantha Rau, Avergal.

" B. Mangesh Rau ....."

" I. Rama Rau....."

" V. Raja Laxminatha " Swamji Arasu .... "

" K. Vishnayya ....."

" K. Kumar Rai ....."

" S. Narasimha Naik ...."

" B. Somappa Rai ..... "

Miss M. S. Baptist

Hagalvady Mokhadum Ismail Saheb Bahadur.

---

* * *

25. Read endorsement Ref C. No. 796/D.B'23 dated 8-5-23 of the President, District Board, South Kanara, forwarding a copy of letter No. Penc. Mis. 2 - 1- 836 of the Accountant General, Madras, requesting to arrange for the payment of pensionary contribution on behalf of the Vaccinators due from 7th March 1918 together with the resolution of the Standing Committee as follows:-

The Committee is of opinion that the orders of Government will be solicited on the questions --- raised in the letter addressed to the President, --- District Board dated 10-8-22.

Resolution

The recommendation of the Standing Committee is approved.

* * *

(True Copy)

Vice-President

Ref on C. No. 287/Sup'22 4

Uppinangady Taluk Board
Office, South Kanara.
Camp: Puttur
Dated 10-8-1922

From

M. R. Ry. H. Ganapathi Rau, Avergal,
President, Taluk Board, Uppinangady

To

The President, District Board,
South Kanara.

Sir,

Referring to your endorsement Ref C. No. --2288/D.B'21 dated the 26th July last forwarding copy of the Accountant General's letter dated the 17th Idem regarding the contribution on behalf of the Vaccinators I have the honour to state as follows:-

2. The Accountant General wants that arrear --- contributions should be paid from 7th March 1918 when G. O. No. 345 dated 7-3-18 sanctioning the District Board's proposal to make posts of Vaccinators in the District pensionable and not from 7th December 1921 when two of the --- Vaccinators were confirmed. The Government Order --- referred to does not say when the payment of contribution should commence and the fact that no contributions have been asked for, for the last four years lends --- support to the view that the first payment is to be made from the date when the qualifying service ---- commences. The close and inseparable relation between the payment and qualifying service is clear from ---- Article 93 of the Local Boards Manual which lays down thus:-"The qualifying service of the establishment will commence from the date from which the first payment of contribution is made. Arrear contribution . to render previous service qualifying will not be --- accepted". The expression " establishment" in the article apparently refers to the service as a whole and not to individual cases. The Accountant General

wants payment of arrear contributions which the article referred to above clearly says cannot be accepted. I am therefore unable to see how the arrear contributions can be claimed in the face of the clear prohibition in the said article.

3. Though the Government Order referred to above sanctioned the proposal to make the establishment ----- pensionable , it is open to Local Boards which made the proposal to decide as to the date from which effect is to be given to the proposal. No such date seems to have been so fixed and therefore the payment of the first --- contribution determines the starting point for making the service pensionable.

4. The claim of payment from 1918 does not also seem to be fair or equitable, since the amount pertaining to it is pure profit to Government, as there was not even a single incumbent who was permanent till 1921; and the whole establishment was anything but permanent. Under the article, payments are to be made on account of permanent servants or any specified classes of them i.e permanent servants. None of the incumbents could come under either category and so I maintain that the contribution can only commence from the date when at least one of them is made permanent. I do not think instruction 129 to the article or article 802 of the Civil Service Regulations were even intended to enable Government to get monies unsaddled with any liability. Government's liability commences only --- when qualifying service commences and so the claim under reference now does not seem to be right.

5. In the face of all these facts and circumstances I do not quite see my way to make the payment to the ---- undeserved detriment of the Board but benefit of Government The principle involved is a very important one and if the Accountant General sticks to his former view even after a further reference I have the honour to request that you will be good enough to address the Government in the matter and obtain their final decision.

(True Copy) I have &c,

Sd/ H. Ganapathi Rau,

President

6 A.S.G. (P.H.)

14-6-23

Recovery of arrears of pensionary
& Contribution ~~Pension~~ - Vaccinators - Ceppinangady DKBD

Memo No 1398 PH dt 12.10.1922 - (4)

C. No 13512 from the P.T.O. Ceppinangadi No 131 dt 24-5-23

Memo

D/- 14/6

No 13512-1 PH. dt 14-6-23

Referred to the ~~Accountant~~ favour of - General for remarks.

B.P.H 13/6/23

13.6.23

Copy 15/6.

DES dt (with Encl)
15 JUN 1923

To
The Accountant-General
(Returned herewith C in original to be sent with reply)

O.F. 226—800—9-2-23.

LOCAL SELF GOVERNMENT **DEPARTMENT.**

CURRENT No.

Received 19 JUL 1923 192 . *Registered* 192 .

Subject

ENCLOSURES
No. 4
Spare copies

No. Pen.C.Mis. 2-1-205.

FORT ST. GEORGE,

Dated the 18th of JULY 192 3.

From

W. D. WOOLLAM, ESQ.,
ACCOUNTANT-GENERAL, MADRAS,

To

THE SECRETARY TO THE GOVERNMENT OF MADRAS.
LOCAL SELF GOVERNMENT DEPARTMENT.

SIR,

With reference to Government Endorsement No. 13512-1 P.H. dated the 14th June 1923, forwarding to me forremarks, letter Ref. C. No. 131 Sup. dated the 24th May 1923 from the President, Taluq Board, Uppinangudy requesting orders of Government regarding payment of pensionary contribution on account of the Local Fund Vaccinators employed under the Taluk Board, Uppinangudy with reference to G.O. No. 345 A.L. Mis. dated the 7th March 1918, I have the honour to state that orders of Government have been passed on the subject on a reference from the President, Taluk Board, Coondapur. Vide this office endorsement No. Pen.C.Mis. 2-438 dated the 5th September 1922 and G.O. No. 1398 P.H. Mis. dated the 12th October 1922. The President, Taluk Board, through the President, District Board, has already been informed of the same in this office

letter

page 9 ante -8- --

letter No. Pen.C.Mis.2-1-836 dated the 21st March 1923 and requested to arrange for the payment of the necessary pensionary contribution.

2. The President's contention that pensionary contribution is payable from the date of confirmation is erroneous, as payment of pensionary contribution under Article 802 of the Civil Service Regulations is with reference to posts and not to individuals holding them.

3. The enclosures received with the endorsement under reply are herewith returned.

I have the honour to be,

Sir,

Your most obedient servant,

Accountant-General.

9

O.F. 177—10,000—11-11-22.

No

OFFICE OF THE ACCOUNTANT-GENERAL, MADRAS,

Fort St. George, 18th of JULY 1923.

Enclosures.

Letter No. Pen.C.Mis. 2-1-836 dated the 21st March 1923 from the Accountant-General, Madras, to the President, District Board, South Kanara, Mangalore.

With reference to the correspondence ending with your letter Dis.No. 286 D/D.B./23 dated the 9th March 1923, I have the honour to observe from the replies of the Presidents of the Taluk Boards Karkal and Uppinangady that the arrears of pensionary contribution due in the case of vaccinators employed in these Taluk Boards have not yet been paid to the credit of Government for the reasons explained therein. I would however request that you will be so good as to invite their attention to letter No. 966/C.T.B. 22 dated the 9th August 1922 of the President, Taluk Board, Coondapur on the same subject submitted to Government with

with your endorsemtn No. 2517 DB/1922 dated the 25th August 1922 and the orders passed thereon in G.O. No. 1398 P.H. Misc. L.S.G.(P.H.) dated the 12th October 1922 and to arrange for the payment of the arrears of contribution due from 7th March 1918 or from the date of the creation of the appointments of vaccinators if subsequent to that date.

****

(True copy)

V. Duraiswami

Superintendent,

Correspondence Section.

2nd RS

Scott. II-10 (a)—10,002—22-8-22. (6)

L. S. G. (R&B) DEPARTMENT.

	Date.	Initials.
When received for Fair-copying.		
When copied ..		
When examined ..		
When signed ..		
When despatched ..		

READ AGAIN G.O. No. ....., dated ..... 192 .

" " " " ----- " ----- 192 .

READ ALSO:-

C. No. 13512, From the Hon'ble P. T. B. Coimbatore, No. 131 Supp/23 dated 24.5. 1923

" " ----- " " Endt. from P. D. B. S. Kanara " 14476B/23 1.6. 1923

" " 17666 " " Endt. from the A.G. " Pen. cases " 18.7. 1923

2.1.205

ORDER.

No. 1250, dated 26/7/23 1923

His Excellency in Council agree with the Remarks of the Accountant-General contained in para 2 of his letter read above.

BNR 24/7/23

page 7-8 Cf.

USRao 20.7.23

MR 23.7.23

DESPATCHED 27 JUL 1923

To the P. D. B. S. Kanara (G/O)
with 2 cys
" P. T. B. Coimbatore Asmga P. D. B. S. Kanara 3 cys
" A. G. (G/O)

NOTE

The present proposal is exactly similar to the case disposed of in G.O. 1398 P. W. D. 12.6.23. Please see the A.G.'s remarks on page 7 Cf.

USRao 23.7.23 MR 23.7.23